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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/820,722	04/09/2004	Sheng-Hsuan Liao	MR1035-1440	9000

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EXAMINER

EWART, JAMES D

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 10/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/820,722	LIAO ET AL.	
	Examiner	Art Unit	
	James D. Ewart	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

Claim Rejections - 35 USC § 112

1. The term "internal (external) content provider " in claims 1, 6 and 17 is a relative term, which renders the claim indefinite. The term " internal (external)" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. Internal Content provider is defined as a content provider, which is installed internally or on-site, and an external content provider is defined as a content provider, which is installed externally or at a remote location. The specification does not indicate internal or external from what or the boundaries of the site nor the location from which it would be remote.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

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2. Claims 1-19 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-19 of copending Application No. 10/820,742. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims describe the same invention.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless – (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 6-8, 11-13 and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Lagadec et al. (U.S. Patent Publication No. 2004/0098625).

Referring to claim 6, Lagadec et al. teaches a multimedia information and information inquiry download service (Figure 1) comprising: an external content provider (0002 & 0028), where information is stored that can be searched and download (0002); an information inquiry service platform (Figure 1, 20), that a user using a mobile phone accesses to search and download information (Figure 1, 20 and 0002); according to the requested information, the

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information inquiry service platform accesses the external content provider to obtain the information (Figure 1, 16 and 0009, 0010, 0015 & 0018); a common service platform receives the information from the information inquiry service platform (Figure 1, 32); and a multimedia information service center receives the information from the common service platform (Figure 1, 30, i.e. gateway), and then sends the information to the user's mobile phone (Figure 1, 14).

Referring to claim 11, Lagadec et al. teaches a multimedia information (Figure 1, 30) and information inquiry download service (Figure 1) comprising: a content provider (Figure 1, 16), where information is stored that can be searched and download (0002); an information inquiry service platform (Figure 1, 20), that a user using a mobile phone accesses to search and download information (Figure 1, 20 and 0002); a common service platform receives the information (Figure 1, 32); and a multimedia information service center receives the information from the common service platform, and then sends the information to the user's mobile phone (Figure 1, 30).

Referring to claims 7 and 12, Lagadec et al. further teaches whereby the information inquiry service platform is accessed via unstructured supplementary service data (USSD) (Figure 1, 30).

Referring to claims 8 and 13, Lagadec et al. further teaches whereby, the information inquiry service platform is accessed via wireless application protocol (WAP) (Figure 1, 30).

Referring to claim 17, Lagadec et al. further teaches whereby the content provider is external (0002 & 0028), and according to the desired information, the information inquiry service platform sends a request for information to the external content provider (0002, 0028 and Figure 1) in order to obtain the desired information, and the external content provider (Figure 1, 16 & 0028) sends the information to the common service platform (Figure 1, 14).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lagadec et al. in view of Vitikainen et al. (U.S. Patent Publication No. 2003/0065802).

Referring to claims 1 and 15, Lagadec et al. teaches a multimedia information (Figure 1, 30) and information inquiry download service (Figure 1) comprising: a content provider (0002 & 0028), where information is stored that can be searched and download (0002); an information inquiry service platform (Figure 1, 20), that a user using a mobile phone accesses to search and download information (Figure 1, 20 and 0002); according to the requested information, the information inquiry service platform accesses the internal content provider to obtain the information (Figure 1, 16 and 0009, 0010, 0015 & 0018); a common service platform receives the information from the information inquiry service platform (Figure 1, 32); and a multimedia

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information service center receives the information from the common service platform (Figure 1, 30, i.e. gateway), and then sends the information to the user's mobile phone (Figure 1, 14), but does not teach an internal content provider. Vitikainen et al. teaches an internal content provider (Figure 6, 690). Therefore at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the teaching of Lagadec et al. with the teaching of Vitikainen et al. of using an internal content provider to create a sample of multimedia content for preview of a user of a mobile phone (0008).

Referring to claim 2, Lagadec et al. further teaches whereby the information inquiry service platform is accessed via unstructured supplementary service data (USSD) (Figure 1, 30).

Referring to claim 3, Lagadec et al. further teaches whereby the information inquiry service platform is accessed via wireless application protocol (WAP) (Figure 1, 30).

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lagadec et al. and Vitikainen et al. in further view of Zellner et al. (U.S. Patent Publication No. 2006/0195570).

Referring to claim 4, Lagadec et al. teaches sending the request information via the common service platform to the information inquiry service platform wherein the inquiry service platform obtains location information of the user (Figure 1, 52 and 0018) to obtain location specific information according to the location information of the user (0018), but does not teach wherein the request also includes the location information of the user. Zellner et al. teaches

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wherein the request also includes the location information of the user (0045). Therefore at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the teaching of Lagadec et al. and Vitikainen et al. with the teaching of Zellner et al. wherein the request also includes the location information of the user to provide location specific message without revealing the identity of the user (0009).

6. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lagadec et al. and Vitikainen et al. in further view of Gidron et al. (U.S. Patent Publication No. 2003/0060188).

Referring to claim 5, Lagadec et al. and Vitikainen et al. teach the limitations of claim 5, but do not teach after sending the information to the mobile phone, the multimedia information service center sends a reply to the information inquiry service platform and when the information inquiry service platform receives the reply, it sends a message to the common service platform for billing. Gidron et al. teaches after sending the information to the mobile phone, the multimedia information service center sends a reply to the information inquiry service platform (0045 and Figures 1-2) and when the information inquiry service platform receives the reply, it sends a message to the common service platform for billing (0037). Therefore at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the teaching of Lagadec et al. and Vitikainen et al. with the teaching of Gidron et al. wherein after sending the information to the mobile phone, the multimedia information service center sends a reply to the information inquiry service platform and when the information inquiry

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service platform receives the reply, it sends a message to the common service platform for billing to provide a method of charging for providing desired content to users (0010).

7. Claims 9, 14, 16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lagadec et al. in further view of Zellner et al.

Referring to claims 9 and 14, Lagadec et al. teaches sending the request information via the common service platform to the information inquiry service platform wherein the inquiry service platform obtain location information of the user (Figure 1, 52 and 0018) and then contacts the content provider to obtain location specific information according to the location information of the user (Figure 1 & 0018), but does not teach wherein the request also includes the location information of the user. Zellner et al. teaches wherein the request also includes the location information of the user (0045). Therefore at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the teaching of Lagadec et al. with the teaching of Zellner et al. wherein the request also includes the location information of the user to provide location specific message without revealing the identity of the user (0009).

Referring to claims 16 and 18, Lagadec et al. teaches sending the request information via the common service platform to the information inquiry service platform wherein the inquiry service platform obtain location information of the user (Figure 1, 52 and 0018) and provides the content provider with the request and according to the location, content provider obtains the requested information and sends the information to the common service platform (Figure 1 &

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0018), but does not teach wherein the request also includes the location information of the user. Zellner et al. teaches wherein the request also includes the location information of the user (0045). Therefore at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the teaching of Lagadec et al. with the teaching of Zellner et al. wherein the request also includes the location information of the user to provide location specific message without revealing the identity of the user (0009).

8. Claims 10 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lagadec et al. in further view of Gidron et al.

Referring to claims 10 and 19, Lagadec et al. teaches the limitations of claims 10 and 19, but does not teach after sending the information to the mobile phone, the multimedia information service center sends a reply to the information inquiry service platform and when the information inquiry service platform receives the reply, it sends a message to the common service platform for billing. Gidron et al. teaches after sending the information to the mobile phone, the multimedia information service center sends a reply to the information inquiry service platform (0045 and Figures 1-2) and when the information inquiry service platform receives the reply, it sends a message to the common service platform for billing (0037). Therefore at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the teaching of Lagadec et al. and Vitikainen et al. with the teaching of Gidron et al. wherein after sending the information to the mobile phone, the multimedia information service center sends a reply to the information inquiry service platform and when the information inquiry

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service platform receives the reply, it sends a message to the common service platform for billing to provide a method of charging for providing desired content to users (0010).

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Board et al. U.S. Patent Publication No. 2002/0019812 discloses system and service for receiving, customizing, and re-broadcasting high-speed financial data to users operating wireless network-capable devices.

Corrigan et al. U.S. Patent No. 6,640,097 discloses WAP service personalization, management and billing object oriented platform.

Fisher U.S. Patent Publication No. 2003/0125023 discloses method and system for providing a wireless terminal communication session integrated with data and voice services.

Gailey et al. U.S. Patent Publication No. 2005/0027591 discloses tracking purchases in a location-based services system.

Juntunen et al. U.S. Patent Publication No. 2004/0002324 discloses transaction-based service billing in a telecommunication system.

Lawless et al. U.S. Patent Publication No. 2002/0193094 discloses method and system for downloading software products directly to wireless phones.

Lohtia et al. U.S. Patent Publication No. 2003/0211845 discloses system and method for providing subscriber-initiated information over a microbrowser.

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Lynch et al. U.S. Patent Publication No. 2002/0035617 discloses e-business mobility platform.

Makipaa et al. U.S. Patent No. 6,556,217 discloses system and method for content adaptation and pagination based on terminal capabilities.

Pitts, III et al. U.S. Patent Publication No. 2002/0161587 discloses natural language processing for a location-based services system.

Portmann et al. U.S. Patent No. 6,944,447 discloses location-based services.

Raivisto et al. U.S. Patent No. 6,968,175 discloses method and system for sharing transmission revenues between mobile operators and content providers.

Raivisto et al. U.S. Patent Publication No. 2004/0075675 discloses apparatus and method for accessing services via a mobile terminal.

Suryanarayana U.S. Patent Publication No. 2002/0155848 discloses world wide web content synchronization between wireless devices.

Viikari et al. U.S. Patent Publication No. 2004/0120323 discloses method and system for providing location-based services in multiple coverage area environments.

Warsta et al. U.S. Patent Publication No. 2004/0181550 discloses system and method for efficient adaptation of multimedia message content.

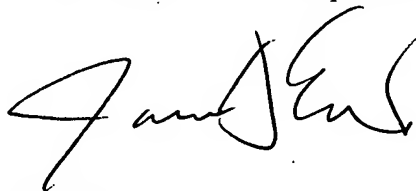
Xanthos et al. U.S. Patent Publication No. 2001/0041566 discloses bitwise monitoring of network performance.

Zellner et al. U.S. Patent Publication No. 2002/0077084 discloses location blocking service from a web advertiser.

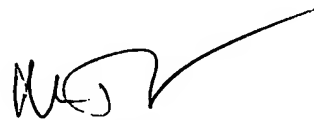
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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James D. Ewart whose telephone number is (571) 272-7864. The examiner can normally be reached on M-F 7am - 4pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (571)272-7872. The fax phone numbers for the organization where this application or proceeding is assigned are (571) 273-8300 for regular communications and (571) 273-8300 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571)272-2600.



James Ewart
October 25, 2006



WILLIAM TROST
SUPERVISORY PATENT EXAMINER
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